

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2011-183-T - ORDER NO. 2011-655  
SEPTEMBER 23, 2011

IN RE: Application of Excel Moving & Storage of	)	ORDER GRANTING
Charleston, Inc., 7143 Bryhawke Circle,	)	CLASS "E"
North Charleston, South Carolina 29418 for	)	(HOUSEHOLD GOODS)
a Class E (Household Goods) Certificate of	)	MOTOR CARRIER
Public Convenience and Necessity	)	CERTIFICATE OF
	)	PUBLIC CONVENIENCE
	)	AND NECESSITY

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Application of Excel Moving & Storage of Charleston, Inc. ("Excel" or "Applicant") for a Class E (Household Goods) Certificate of Public Convenience and Necessity. Excel seeks statewide authority to move household goods. Pursuant to 26 S.C. Code Ann. Regs. 103-817(C)(3)(a), the Applicant timely published notice of this matter in newspapers of general circulation in the area where authority to operate is sought. No parties intervened, and a hearing on the Application was held on August 31, 2011, in the offices of the Commission.

The parties at the hearing included Jeff Hatley for the Applicant, who was represented by David Popowski, Esquire, and the Office of Regulatory Staff ("ORS"), represented by Shealy Boland Reibold, Esquire. The shipper witness for the Applicant was Chauncey Clark of the Peninsula Company, LLC who testified by deposition stating a need for additional movers in South Carolina. George Parker, manager of the ORS Transportation Department, testified for ORS.

During the hearing, Hatley testified about his experience moving household goods and that he was aware of and intended to comply with the Commission's regulations concerning household goods movers. For ORS, Parker testified that he found Excel's Application to be in order. Parker also stated that he performed an inspection and submitted photographs of the inspection as evidence. These photographs, including pictures of the Applicant's trucks, tread wear, annual vehicle inspection label, and attendant gear, showed the equipment to be in good working order.<sup>1</sup>

However, an issue does arise with the timing of a safety audit. According to the record, Excel has been issued Certificate MC No. 743213 by the United States Department of Transportation, Federal Motor Carrier Safety Administration ("FMCSA"), granting it authority as a common carrier to transport household goods in interstate commerce. As a result, the Applicant is in a federal 18-month program for a safety review that, according to ORS, could delay its state level safety audit for 18 months.

This delay creates a conflict because 26 S.C. Code Ann. Regs. 103-133(1)(a) requires a satisfactory safety rating, which is usually conducted through a safety audit by the South Carolina State Transport Police, before a Class E Certificate can be issued. The requirement results in a hardship because it would force Excel to wait an unduly long time for federal authorities to complete their safety review before beginning operations. To fix this problem, the Applicant requests that the Commission temporarily waive the state safety rating requirement. Since ORS has performed its own inspection, it does not

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<sup>1</sup> These photographs are on file with the Commission.

object on condition that an unsatisfactory federal safety audit rating would suspend the Applicant's Certificate.

Subject to this waiver, the Commission finds the Application to be in order. Additionally, we conclude that the Applicant has demonstrated that it is fit, willing, and able to operate as a household goods mover pursuant to S.C. Code Ann. § 58-23-330 (Supp. 2010) and 26 S.C. Code Ann. Regs. 103-133 (Supp. 2010). Furthermore, we find that the public convenience and necessity is not already being served by existing authorized service. Therefore, the Application of Excel Moving & Storage of Charleston, Inc. should be granted.

IT IS THEREFORE ORDERED:

1. The Application of Excel Moving & Storage of Charleston, Inc. for a Class E Certificate of Public Convenience and Necessity is approved for the Applicant to transport household goods statewide.

2. Based on our review of the evidence and ORS's satisfactory inspection of the Applicant's equipment, as well as the fact that Excel has been issued Certificate MC No. 743213 by the FMCSA, granting it authority as a common carrier to transport household goods in interstate commerce, we grant the Applicant's motion pursuant to 26 S.C. Code Ann. Regs. 103-101(2) to waive the safety audit requirement prior to the issuance of a Certificate, since it is in a federal safety audit process. However, should this federal safety audit result in an unsatisfactory rating, the Certificate shall be automatically suspended immediately upon issuance of that rating. Should federal or

state safety inspections become available prior to the 18-month federal audit period, the Applicant shall submit to any such program.

3. Excel shall file with the Office of Regulatory Staff all other information required by S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, as amended, and 23A S.C. Code Ann. Regs. 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

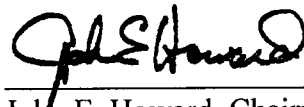
4. Upon compliance with S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Regs. Vol. 26 (1976), as amended, a Certificate shall be issued by the Office of Regulatory Staff authorizing the motor carrier services granted herein.

5. Prior to compliance with the above-referenced requirements and receipt of a Certificate, the motor carrier services authorized by this Order shall not be provided.

6. Failure of the Applicant to either (1) complete the certification process by complying with the Office of Regulatory Staff requirements of causing to be filed with the Commission proof of appropriate insurance within sixty (60) days of the date of this Order or (2) to request and obtain from the Commission additional time to comply with the requirements of the Commission as stated above, may result in the authorization approved in the Order being revoked.

7. This Order shall remain in full force and effect until further Order of the Commission.

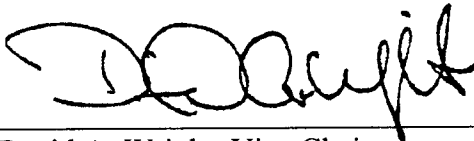
BY ORDER OF THE COMMISSION:



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John E. Howard, Chairman

ATTEST:



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David A. Wright, Vice Chairman  
(SEAL)